

# **EXHIBIT 128**

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF GEORGIA  
3 ATLANTA DIVISION

4 ----- )  
5 DONNA CURLING, et al., )  
6 Plaintiffs, ) Case No.  
7 vs. ) 1:17-cv-2989-AT  
8 BRAD RAFFENSPERGER, et al., )  
9 Defendants. )  
10 ----- )

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13 REMOTE DEPOSITION OF ANH LE  
14 NOVEMBER 4, 2021  
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22 REPORTED BY: Tina Alfaro, RPR, CRR, RMR

1 MS. LaROSS: Object to the form of the 14:28:43  
2 question, calls for speculation, lack of 14:28:45  
3 foundation. You can answer to your understanding. 14:28:47

4 A. I do care. 14:28:51

5 Q. As a member of the State Election Board do 14:28:56  
6 you find it important to know that Georgia's 14:28:58  
7 election system is not vulnerable to being hacked 14:29:03  
8 by unauthorized third parties? 14:29:05

9 MS. LaROSS: I have the same objection as 14:29:08  
10 the last question. 14:29:09

11 A. I'm not an IT expert. I cannot speak to 14:29:10  
12 the technical components of the system, but I can 14:29:15  
13 say that, yes, it's very important that it is 14:29:22  
14 secure and, again, I believe that our current 14:29:27  
15 system is holding up very well. 14:29:30

16 Q. As a member of the State Election Board 14:29:36  
17 would you support the use of an election system 14:29:38  
18 that could be hacked in a few minutes by a voter in 14:29:42  
19 the voting booth? 14:29:47

20 MS. LaROSS: Object to the form of the 14:29:48  
21 question and with the same objections on the last 14:29:49  
22 two questions. 14:29:51

1           A. Again, the answer -- the question seems to 14:29:54  
2 suggest that I'm an IT person who would know the 14:29:58  
3 technology side of the components of these 14:30:04  
4 machines. Again, back to the previous question, 14:30:06  
5 I'll reiterate that secure and fair elections are 14:30:12  
6 very important as a State Election Board member, 14:30:14  
7 and those are issues, security would be absolute 14:30:18  
8 paramount. So yes, it's an important thought that 14:30:23  
9 I always hold in the forefront as I proceed in 14:30:26  
10 anything I do when it comes to elections. 14:30:32

11           Q. Thank you. 14:30:34

12           I just want to focus on this question in 14:30:36  
13 particular. I completely understand that you're 14:30:40  
14 not an IT expert, but as a member of the State 14:30:43  
15 Election Board which has a role in rules 14:30:50  
16 promulgation for running Georgia elections, would 14:30:56  
17 you support the use of an election system that 14:31:02  
18 could be hacked in a few minutes by a voter in the 14:31:05  
19 voting booth? 14:31:09

20           MS. LaROSS: Object to the form of the 14:31:10  
21 question. It's the same objections I had to the 14:31:12  
22 previous questions. 14:31:14

1           A. So the hypothetical is based on the fact       14:31:18  
2           that there are provable evidence in front of me       14:31:24  
3           that a certain system is not secure. If that's the   14:31:28  
4           case, no. If there's provable evidence in front of   14:31:34  
5           me that points to -- that establishes that clearly,   14:31:38  
6           then as a hypothetical I would not support       14:31:42  
7           something like that.                               14:31:44

8           Q. Thank you.                                       14:31:46

9           Are you familiar with BMD's?                   14:31:50

10          A. I'm familiar from the standpoint of seeing   14:31:53  
11          it and have used it as a voter.                   14:31:56

12          Q. Do you know how they work?                   14:32:02

13          A. As a voter, yes.                               14:32:03

14          Q. Do you know what company manufactures the   14:32:07  
15          BMD's?   14:32:09

16          A. I believe it's Dominion.                   14:32:12

17          Q. Have you interacted at all with Dominion?   14:32:15

18          A. No.   14:32:20

19          Q. So as a member of the State Election Board   14:32:24  
20          you have not communicated with Dominion in any way? 14:32:28

21          A. No.   14:32:31

22          Q. Have you inspected one of the BMD machines   14:32:42

1 understanding, if you don't want to have a chance 14:43:31  
2 to cure the question, that's fine. I'll just stick 14:43:33  
3 to the objection as to form if that's how you want 14:43:36  
4 to conduct your deposition. 14:43:39

5 MS. WIESEBRON: Yeah. That would be 14:43:40  
6 great. Thank you. 14:43:42

7 MS. LaROSS: Okay. 14:43:43

8 A. I'm sorry. Can you repeat the question? 14:43:45

9 Q. Sure. 14:43:46

10 Would you support the use of election 14:43:52  
11 equipment that could be hacked in such a way that 14:43:54  
12 both the QR codes and human readable text could be 14:43:56  
13 altered? 14:44:01

14 MS. LaROSS: Objection as to form. 14:44:03

15 A. If you were to have evidence in front of 14:44:08  
16 me or if I see evidence that it is, you know, not 14:44:10  
17 secure, then no, I would not -- that's a 14:44:14  
18 hypothetical, and under the hypothetical question 14:44:16  
19 if I had those facts in front of me, no. 14:44:19

20 Q. Okay. 14:44:24

21 Do you believe it is important to voters 14:44:32  
22 to be able to verify that their ballots accurately 14:44:34

1 security protocols that they go through. I have 15:06:49

2 not gone through one myself. 15:06:52

3 THE REPORTER: Tamara, are we at a good 15:06:57

4 spot for a break? 15:06:58

5 MS. WIESEBRON: Sure. No problem. 15:07:00

6 THE VIDEOGRAPHER: We're going off the 15:07:02

7 record. The time is 3:07 p.m. 15:07:03

8 (A short break was had.) 15:17:51

9 THE VIDEOGRAPHER: We're back on the 15:19:11

10 record. The time is 3:19 p.m. 15:19:12

11 BY MS. WIESEBRON: 15:19:22

12 Q. Are you aware that both parties in this 15:19:22

13 litigation have hired experts? 15:19:25

14 A. No, I'm not aware. 15:19:30

15 Q. Are you aware that Curling Plaintiffs 15:19:35

16 hired Dr. Alex Halderman as an expert? 15:19:39

17 A. No, I'm not. 15:19:43

18 Q. Are you aware that Dr. Halderman has 15:19:46

19 examined Georgia's voting equipment? 15:19:51

20 A. No, I'm not. 15:19:53

21 Q. Are you aware that he found Georgia's 15:19:56

22 voting equipment can be hacked in numerous ways? 15:19:59

1 MS. LaROSS: Objection as to form. 15:20:03

2 A. No, I'm not aware. 15:20:04

3 Q. Are you aware that he found that at least 15:20:08

4 one of those hacks can be implemented by a voter in 15:20:11

5 the voting booth in a couple of minutes? 15:20:14

6 MS. LaROSS: Objection as to form. 15:20:17

7 A. No, I'm not aware. 15:20:19

8 Q. Are you aware that the election security 15:20:23

9 expert the State retained to respond to 15:20:26

10 Dr. Halderman's report testified under oath that he 15:20:30

11 does not dispute Dr. Halderman's findings that the 15:20:35

12 equipment can be hacked? 15:20:39

13 MS. LaROSS: Objection as to form. 15:20:42

14 A. I'm not aware. 15:20:44

15 Q. Are you aware that the election security 15:20:48

16 expert the State retained to respond to 15:20:50

17 Dr. Halderman's report testified to the following 15:20:56

18 under oath: "In fact, if I was asked a question we 15:21:00

19 need to have someone evaluate the security of it to 15:21:06

20 find vulnerabilities, at the top of my list would 15:21:10

21 be Andrea Powell and Dr. Halderman. That's where I 15:21:15

22 would start." 15:21:19



1 report? 15:23:58

2 MS. LaROSS: Objection as to form. 15:23:59

3 A. I'm not aware. 15:24:01

4 Q. Okay. But if the report was made 15:24:04

5 accessible, you'd like to read it, right? 15:24:08

6 MS. LaROSS: Objection as to form. 15:24:11

7 A. If it were made available, I would read 15:24:13

8 it. 15:24:16

9 Q. And after this deposition concludes, 15:24:20

10 perhaps not immediately after, but in the near 15:24:25

11 future are you going to ask to read Mr. Halderman's 15:24:27

12 report? 15:24:31

13 MS. LaROSS: Objection as to form. 15:24:32

14 A. You mentioned in a question or two ago 15:24:35

15 that it was sealed. And so I would allow the 15:24:38

16 Secretary of State's office the time it needs to do 15:24:42

17 what it needs to do, but if it's unsealed and made 15:24:44

18 available, I would read it. 15:24:48

19 Q. Okay. And would you express to the 15:24:53

20 Secretary of State your interest in reading it? 15:24:56

21 MS. LaROSS: Objection as to form. 15:24:59

22 A. I mentioned that if it's made available I 15:25:01

1 would read it. 15:25:03

2 Q. Are you concerned at all sitting here 15:25:10

3 today that there's been a report made by a top 15:25:13

4 security expert about the vulnerabilities to 15:25:17

5 Georgia's voting equipment and you have not been 15:25:21

6 made aware of the existence of this report? 15:25:25

7 MS. LaROSS: Objection as to form. 15:25:28

8 A. Let me rephrase my answer. I would like 15:25:32

9 to read it if it's made available. I'm only 15:25:34

10 knowing about it now and the fact that it's sealed 15:25:38

11 as you mentioned, if it were made available, I 15:25:42

12 would like to read it, yes. 15:25:45

13 Q. Okay. 15:25:49

14 I guess my question is like a little bit 15:25:57

15 different. So I'll just try to rephrase it. 15:25:59

16 A. Okay. 15:26:03

17 Q. Sitting here today as a member of the 15:26:06

18 State Election Board, you know, who's been given 15:26:09

19 the responsibility to promulgate rules, regulations 15:26:11

20 about elections in Georgia, are you concerned about 15:26:17

21 the fact that there has been a report made that 15:26:23

22 discusses vulnerabilities to election -- to 15:26:27

1 pick up a tampering. 15:43:16

2 Q. Yeah. I guess do you know whether the 15:43:23

3 audits tabulate or recount one by one the votes as 15:43:31

4 casted in the machine compared to the human 15:43:46

5 readable text? 15:43:51

6 MS. LaROSS: Objection as to form. 15:43:54

7 A. I don't know the technology behind how the 15:43:56

8 machine does that. 15:44:00

9 Q. Okay. But you're not aware that for an 15:44:02

10 audit we verify one -- we compare the vote as 15:44:08

11 casted on the machine to the individual paper 15:44:17

12 receipt? 15:44:21

13 MS. LaROSS: Objection as to form. 15:44:23

14 A. Again, I don't know how the machine does 15:44:24

15 that technology-wise. 15:44:27

16 Q. Okay. The purpose of an audit is to 15:44:32

17 verify that the votes have been accurately counted; 15:44:45

18 would you agree? 15:44:50

19 A. Yes. 15:44:56

20 Q. Okay. And so you would want an audit to 15:44:56

21 be able to ensure that the votes actually represent 15:45:01

22 each and every voters' intention, right? 15:45:07

1 Q. Okay. 16:28:48

2 A. But if I couldn't be assured of that, then 16:28:49

3 we'd be -- we need to be concerned about that. So 16:28:53

4 I think it comes down to the technology side of it 16:28:57

5 and being -- understanding how that would work. 16:29:01

6 Q. Uh-huh. And as a member of the State 16:29:07

7 Election Board how would you want to be assured of 16:29:10

8 that? 16:29:14

9 A. I guess from my perspective I want to 16:29:18

10 understand the technology end of it, how that 16:29:24

11 works, right. So if I can understand how memory 16:29:26

12 cards work as it relates to the old machine and how 16:29:32

13 it works as it relates to the new machine and what 16:29:35

14 does it really contain and how does it get picked 16:29:38

15 up and read, I think just understanding the 16:29:40

16 technology of it would help me understand how this 16:29:46

17 works and if it were to be cleaned or sanitized for 16:29:48

18 new elections and how would that work, right. So 16:29:54

19 I'd just want to understand the mechanics of it and 16:29:58

20 then the technology end of it. 16:30:01

21 Q. And has anyone with technical expertise 16:30:04

22 provided a presentation to you and other State 16:30:08

1 Election Board members about how some of these 16:30:15  
2 technological components of Georgia's current 16:30:19  
3 election system works? 16:30:23

4 A. No. We're not IT people. So -- 16:30:24

5 Q. But you make rules that involve IT, right? 16:30:32

6 A. I guess we're -- the BMD's are IT. So 16:30:40  
7 yes, but -- 16:30:46

8 Q. Sorry. Go ahead. 16:30:51

9 A. Oh, no. Yeah, we make rules affecting the 16:30:52  
10 processes that involve technology, but I don't have 16:30:55  
11 the in-depth understanding or -- the way an IT 16:31:00  
12 person would of any machine or technology. I'm not 16:31:05  
13 an IT person. 16:31:07

14 Q. So if we look at actually the next page, 16:31:09  
15 page 3. 16:31:14

16 A. Uh-huh. 16:31:15

17 Q. There's a proposed rule in the middle of 16:31:19  
18 page, 183-1-12.08, called "Logic and accuracy 16:31:22  
19 testing." 16:31:35

20 A. Uh-huh. 16:31:37

21 Q. Do you see that? 16:31:38

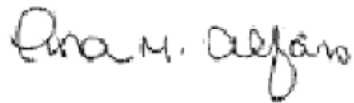
22 A. Oh, yeah. Uh-huh. I see it listed there. 16:31:42

CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

I, TINA M. ALFARO, Registered Professional Reporter, Certified Realtime Reporter, and Notary Public, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 17th day of Novrember, 2021.

My Commission expires October 31, 2025.



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DISTRICT OF COLUMBIA